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December 11, 2009

***Via Electronic Case Filing***

Honorable Lois Bloom  
United States Magistrate Judge  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

*Defendants' response to plaintiff's amended complaint is hereby stayed (in 08-3430) pending the status conference on 1/7/10. The Court will address this issue at the January conference.*

*12/14/09*  
*Lois Bloom*  
*USDC*  
S/Judge Lois Bloom

**Re: Simon Goldvekht v. United Federation of Teachers et al.**  
**08-CV-3430 (JG) (LB)**  
**Our File No. 251349-F160**

**Simon Goldvekht v. New York City Department of Education and Linda Alhonote**  
**09-CV-794 (JG) (LB)**

Dear Judge Bloom:

This office represents the United Federation of Teachers ("UFT") in the above-referenced action. On December 3, 2009, Defendant UFT received a copy of the Court's Order, dated December 2, 2009 via the electronic case filing system. On page 2 of this Order, the Court notes that defendants, UFT and New York City Department of Education, have not yet responded to plaintiff's amended complaint in 08-CV-3430, which was filed on or about March 5, 2009. The Court further directed the defendants to respond to plaintiff's amended complaint in 08-CV-3430 by December 18, 2009.

Upon receiving and reviewing this order, I conferred with Courtney B. Stein, Esq., attorney for the New York City Department of Education and Linda Alhonote in the above-referenced matters. We discussed the Court's December 2<sup>nd</sup> Order and are uncertain as to the proper response to plaintiff's amended complaint in 08-CV-3430. Specifically, plaintiff's "amended complaint" in *Goldvekht v. United Federation of Teachers, et al.*, 08-CV-3430, consists of **the identical complaint** that plaintiff filed in *Goldvekht v. New York City Department of Education and Linda Alhonote*, 09-CV-794. As the Court's December 2<sup>nd</sup> Order notes, Judge Gleeson granted defendants' motion to dismiss this 09-CV-794 complaint on September 1, 2009. In light of the Court's conflicting orders, Ms. Stein and I are uncertain as to how we are to respond to plaintiff's claims, which were previously dismissed in their entirety.

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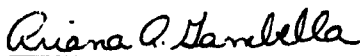
In light of this, Ms. Stein and I respectfully request a conference to address these issues on December 18, 2009. Should the Court deem that we must still respond to plaintiff's amended complaint, filed in connection with *Goldvekht v. United Federation of Teachers, et al.*, 08-CV-3430, we further respectfully request an extension of time from the original December 18, 2009 deadline, to serve and file a proper response.

Thank you for your consideration of our request.

Please feel free to contact me at (212) 533-6300 and/or to contact Ms. Stein at (212) 788-1202.

Respectfully submitted,

JAMES R. SANDNER

By:   
ARIANA A. GAMBELLA (AG 3067)  
Associate Counsel

AAG

cc: Courtney B. Stein, Esq. (*via e-mail*)

Simon Goldvekht (*via overnight mail*)  
*Pro Se* Plaintiff  
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Brooklyn, NY 11235

Honorable John Gleeson (*via ECF*)  
United States District Judge  
Eastern District of New York  
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